

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD HINDES,

Plaintiff,

v.

LESLEE DUNCAN, ROBERT KING and
UNITED STATES OF AMERICA,

Defendants.

Case No. 14-cv-1272-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the stipulations of dismissal of Count II (Doc. 97) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) signed by all parties who have appeared in this case. Rule 41(a)(1)(A)(ii) allows dismissal by a plaintiff without a court order by filing such a stipulation. Therefore, the Court finds that Count II is **DISMISSED without prejudice and without costs** and **DIRECTS** the Clerk of Court to terminate the United States of America as a party to this case. This order renders **MOOT** the United States' motion to dismiss (Doc. 96). Count 1 remains against defendants Duncan and King.

IT IS SO ORDERED.

DATED: August 1, 2016

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**